

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 93002

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-045-93

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

**Environmental
Commission**

Classification [] Proposed [] Adopted By Agency [XX] Temporary [] Emergency []

Brief description of action: SEC Petition 93002 (LCB R-045-93) permanently amends NAC 444 to add a section requiring generators of greater than 100 kilograms of hazardous waste per calendar month, who accumulate hazardous waste on site, to comply with provisions of 40 CFR.

Authority citation other than 233B: NRS 459.485 and 459.490

Notice date:

Temporary - November 9, November 11, November 24, November 29 and December 4, 1992

Permanent - August 24, September 8 and September 16, 1993

Hearing date:

Temporary - December 10, 1992

Permanent - September 22, 1993

Date of Adoption of Agency:

Temporary - December 10, 1992

Permanent - September 22, 1993

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 93002
LCB R-045-93**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code 444.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Public comment was solicited in the following publications on the dates indicated:

Petition 93002 was noticed six (6) times: 11-11-92, 11-24-92, 12-4-92, 8-24-92, 9-8-92 and 9-16-92 in the Las Vegas Review-Journal and Reno Gazette-Journal and three (3) times: 11-9-92, 11-25-92 and 12-4-92 in the Mohave Valley News.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1. No written comment was received prior to the hearing.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

This was previously a temporary regulation adopted on December 10, 1992.

The permanent regulation was adopted at the SEC hearing on September 22, 1993 with no further public comment received.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

- a. There are no adverse or beneficial economic effects on the public or regulated sources.
- b. There are no immediate or long-term economic effects on regulated sources. There are no immediate or long-term economic effects on the public.

5. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for enforcement of the proposed regulation.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed amendments duplicate.

**CODIFIED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R-045-93

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 449.485 and 459.490

Section 1. Chapter 444 of NAC is hereby amended by adding thereto a new section to read as follows:

A generator who generates more than 100 kilograms of hazardous waste in a calendar month and accumulates hazardous waste on site shall, in addition to complying with the requirements for accumulation set forth in 40 C.F.R. § 262.34, maintain a written record of inspections conducted of containers and tanks. Those records must be kept on site for not less than 3 years and must include:

- 1. The date and time of an inspection;*
- 2. The name of the inspector;*
- 3. A notation of the inspector's observations; and*
- 4. The date and nature of any repairs made or other remedial action taken.*

Sec. 2. NAC 444.850 is hereby amended to read as follows:

444.850 As used in NAC 444.850 to 444.8746, inclusive, *and section 1 of this regulation*, unless the context otherwise requires:

1. The words and terms defined in NAC 444.8505 to 444.8565, inclusive, have the meanings ascribed to them in those sections.

2. Except for the words and terms otherwise defined in NAC 444.8505 to 444.8565, inclusive, the words and terms defined in 40 C.F.R. § 260.10, as it existed on July 1, 1991, have the meanings ascribed to them in that section.

END OF PETITION 93002 (LCB R-045-93)